

PEPPER & CORAZZINI

L. L. P.

ATTORNEYS AT LAW

1776 K STREET, N.W., SUITE 200

WASHINGTON, D.C. 20006

(202) 296-0600

DOCKET FILE COPY ORIGINAL

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
JOHN F. GARZIGLIA
ELLEN S. MANDELL
HOWARD J. BARR
MICHAEL J. LEHMKUHL *
SUZANNE C. SPINK *
MICHAEL H. SHACTER
PATRICIA M. CHUH
LEE G. PETRO *

* NOT ADMITTED IN D.C.

GREGG P. SKALL
E. THEODORE MALLYCK
OF COUNSEL

FREDERICK W. FORD
1909-1986

TELECOPIER (202) 296-5572

INTERNET PEPCOR@COMMLAW.COM

WEB SITE HTTP://WWW.COMMLAW.COM

June 25, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Fence, Wisconsin)

Dear Ms. Salas:

Transmitted herewith on behalf of Results Broadcasting of Iron Mountain, Inc. is an original and four copies of its Petition for Rule Making seeking the commencement of a rule making proceeding to amend the FM Table of Allotments to allot Channel 297A at Fence, Wisconsin, as its first local transmission service, pursuant to Section 1.401 of the Commission's Rules.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,

John F. Garziglia
Patricia M. Chuh

Enclosure

RECEIVED

JUN 25 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

No. of Copies rec'd
List ABCDE

044
M M B

RECEIVED

JUN 25 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Fence, Wisconsin)

)
)
) MM Docket No. _____
) RM No. _____
)
)

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Results Broadcasting of Iron Mountain, Inc., by its attorneys and pursuant to Section 1.401 of the Commission's Rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to allot Channel 297A at Fence, Wisconsin, as its first local transmission service. As shown in the attached channel study, Channel 297A may be allotted to Fence, Wisconsin in full compliance with the Commission's separation requirements.^{1/} In support whereof, the following is submitted:

1. Results Broadcasting of Iron Mountain, Inc. requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Fence, Wisconsin	- - -	297A

^{1/} Channel 297A may be allotted at reference coordinates 45° 44' 47" North Latitude and 88° 27' 23" West Longitude, a location 3 kilometers West of Fence.

2. Fence, Wisconsin is a community for allotment purposes. Although Fence, Wisconsin is not incorporated, it is listed in the 1990 U.S. Census with an estimated population of 222 persons. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (It is sufficient if the proposed community is either incorporated or listed in the U.S. Census).

3. In addition to being listed in the 1990 U.S. Census, there are other indicia of community status. The residents of Fence, Wisconsin regard themselves as a distinct group. Fence has its own town hall, post office and fire department. There are also a variety of civic, commercial, and religious organizations and services that serve Fence, Wisconsin such as Nichols Wood Products, Pride Builders RRI, and Rural Carpet. See e.g., Brookline, Missouri, 10 FCC Rcd 13038 (1995); Semora, North Carolina, 5 FCC Rcd 934 (1990); Beacon Broadcasting, 2 FCC Rcd 3469, aff'd 2 FCC Rcd 7562 (1987).

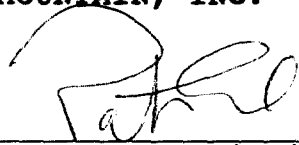
4. Results Broadcasting of Iron Mountain, Inc. hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized, to build the facilities and commence operation promptly.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to allot Channel 297A to Fence, Wisconsin.

Respectfully submitted,

**RESULTS BROADCASTING OF
IRON MOUNTAIN, INC.**

By:



John F. Garziglia
Patricia M. Chuh
Its Attorneys

PEPPER & CORAZZINI, L.L.P.
1776 K Street, N.W., Suite 200
Washington, DC 20006
(202) 296-0600

June 25, 1998

PEPPER & CORAZZINI L.L.P.
Washington D.C. 20006

New Allotment to Fence, WI
Reference Site 3 Kilometers West of Fence

REFERENCE		DISPLAY DATES
45 44 47 N	CLASS A	DATA 05-29-98
88 27 23 W	Current rules spacings	SEARCH 05-29-98
----- CHANNEL 297 -107.3 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
ALOPEN	294A	Iron Mountain	MI	74.6	31.27	31.0	0.27 <
AP294	294A	Iron Mountain	MI	75.5	33.40	31.0	2.40 <
AP294	294A	Iron Mountain	MI	75.5	33.40	31.0	2.40 <
WYCO	300C	Wausau	WI	225.4	108.25	95.0	13.25
WMQTFM	299C1	Ishpeming	MI	37.9	103.76	75.0	28.76
WOCOFM	296A	Oconto	WI	157.4	102.78	72.0	30.78